

# **EXHIBIT A**

PART 2 OF 2



## The Defendants Bought Data to Cover Their Tracks

**From:** Denise Lyn[IMCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com]  
**Sent:** Mon 8/2/2021 3:31:28 PM Coordinated Universal Time  
**To:** Steve Stolls[astolls@aslmarketing.com]  
**Sent on behalf of:** Denise Lyn <IMCEAEX-  
\_O=EXCHANGELABS\_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29\_CN=RECIPIENTS\_CN=D85A29A6E37742A3AAAF2B7ACBC3898A-  
DLYN@namprd15.prod.outlook.com>  
**Subject:** Withfrank.org- College Market

I just got off the phone with the prospect; he is in the college market.

He has a house file that he wants to append (augment data to). The second part is postal mailing.

He is looking for 10MM records and would like a call.

He is looking to move very "quickly" on this and would like a call today.

Are you available today for a call?

## The Defendants Bought Data to Cover Their Tracks



**Steve  
Stolls**

**Q.** And which types of data fields did ASL use to match a customer's data with ASL's data?

**A.** Typically first and last name and full postal address.

Trial Tr. 1293:19-21

## The Defendants Bought Data to Cover Their Tracks



**Tani  
Ochs**

**A.** In my experience over the last 20-some years, the three data companies I've worked for all require an input record that includes a name, street, city, state, and zip code.

Trial Tr. 947:13-15

## The Defendants Bought Data to Cover Their Tracks



**Jen  
Wong**

**Q.** Could Frank augment data from Google Analytics users who had never provided a piece of PII to Frank?

**A.** No.

**Q.** And why not?

**A.** We can't add on more information to people we don't know anything about.

Trial Tr. 1034:25, 1035:1-5



## The Defendants Bought Data to Cover Their Tracks

**From:** Olivier Amar [mailto:[olivier@withfrank.org](mailto:olivier@withfrank.org)]  
**Sent:** Thursday, August 5, 2021 10:57 AM  
**To:** Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)>  
**Cc:** Steve Stolls <[sstolls@aslmarketing.com](mailto:sstolls@aslmarketing.com)>  
**Subject:** Re: College data

Hi Denise,

3:30 is great, but can we make sure to close this today? We're rushed on this, so if you can prepare the lists of 4.5m (2.8m with emails and 1.7m without) as well as confirm pricing them that would be great.

If we can't close this today, we will have to move forward with another vendor as we have limited time with this data scientist and time is ticking.

Thanks



## The Defendants Bought Data to Cover Their Tracks

August 1, 2021		
Time (Eastern)	Sender	Message
9:52:09 AM	Javice	Need to talk about a data pull and strategy
10:06:34 AM	Javice	Ur gonna need to block off ur day. And good news on the offers

## The Defendants Bought Data to Cover Their Tracks

August 3, 2021		
Time (Eastern)	Sender	Message
12:11:45 PM	Javice	I need the data today

## The Defendants Bought Data to Cover Their Tracks

August 4, 2021		
Time (Eastern)	Sender	Message
7:45:02 PM	Javice	How's asl data going
7:45:16 PM	Javice	I need it charged and wrapped tomorrow
8:16:40 PM	Amar	Tomorrow should be good.

## The Defendants Bought Data to Cover Their Tracks

August 5, 2021		
Time (Eastern)	Sender	Message
8:38:53 AM	Javice	Can u call and email asl now
8:38:59 AM	Amar	Yeah
8:39:02 AM	Amar	I'm on it
8:39:08 AM	Javice	Need that thing ASAP and stress needs to charge card today

## The Defendants Bought Data to Cover Their Tracks

August 5, 2021		
Time (Eastern)	Sender	Message
11:30:44 AM	Javice	Asl please
11:30:48 AM	Javice	It's seriously urgent
11:30:56 AM	Amar	Already spoke to them

## The Defendants Bought Data to Cover Their Tracks

**From:** Olivier Amar [mailto:[olivier@withfrank.org](mailto:olivier@withfrank.org)]  
**Sent:** Friday, August 6, 2021 8:46 AM  
**To:** Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)>; Steve Stolls <[sstolls@aslmarketing.com](mailto:ssstolls@aslmarketing.com)>  
**Subject:** Fwd: College data

Hi Denise.

Can you please see the email below from my CEO and send me the counts as requested?

Thanks

Olivier

----- Forwarded message -----

**From:** Charlie Javice <[charlie@withfrank.org](mailto:charlie@withfrank.org)>  
**Date:** Fri, Aug 6, 2021 at 8:40 AM  
**Subject:** Re: College data  
**To:** Olivier Amar <[olivier@withfrank.org](mailto:olivier@withfrank.org)>

Please reply to them to ask for the exact row count across every data attribute from all the files they sent over.

1. First Name
2. Last Name
3. Email
4. Address

Charlie

## The Defendants Bought Data to Cover Their Tracks

**From:** Olivier Amar [mailto:[olivier@withfrank.org](mailto:olivier@withfrank.org)]  
**Sent:** Thursday, August 5, 2021 12:01 PM  
**To:** Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)>  
**Cc:** Steve Stolls <[sstolls@aslmarketing.com](mailto:ssstolls@aslmarketing.com)>  
**Subject:** Re: College data

I'd like the tots to be 4.5m so yes please.

Olivier

## The Defendants Bought Data to Cover Their Tracks

**From:** Olivier Amar [mailto:olivier@withfrank.org]  
**Sent:** Friday, August 6, 2021 8:46 AM  
**To:** Denise Lyn <dlyn@aslmarketing.com>; Steve Stolls <sstolls@aslmarketing.com>  
**Subject:** Fwd: College data

Hi Denise,

Can you please see the email below from my CEO and send me the counts as requested?

Thanks

Olivier

----- Forwarded message -----

**From:** Charlie Javice <charlie@withfrank.org>  
**Date:** Fri, Aug 6, 2021 at 8:40 AM  
**Subject:** Re: College data  
**To:** Olivier Amar <olivier@withfrank.org>

Please reply to them to ask for the exact row count across every data attribute from all the files they sent over.

1. First Name
2. Last Name
3. Email
4. Address

Charlie



## The Defendants Bought Data to Cover Their Tracks

<u>Variable</u>	<u>% Captured</u>	<u>Comments</u>	<u>Count</u>
STUDENT_FIRST_NAME	100.00%		4,265,085
STUDENT_LAST_NAME	100.00%		4,265,085
STUDENT_EMAIL	100.00%	Provided as Unique ID	4,265,085
STUDENT_PHONE_NUM	100.00%		4,265,085



## The Defendants Bought Data to Cover Their Tracks

August 5, 2021		
Time (Eastern)	Sender	Message
12:05:33 PM	Amar	You'll have 4.5m users today. Just closed it
12:05:59 PM	Amar	2.3 cents per user. 105k price
12:06:06 PM	Javice	perdfect
12:06:07 PM	Javice	love you
12:06:18 PM	Amar	: -)

## The Defendants Bought Data to Cover Their Tracks

August 5, 2021	
Sender	Message
Amar	<b>You'll have 4.5m users today.</b>

## **Ten Reasons You Know the Defendants Are Guilty**

---

- 1. The Defendants Told Lies Together During Diligence**
- 2. The Defendants Created the Fraud Spreadsheet Together**
- 3. The Defendants' Lies Were Important to Potential Buyers**
- 4. The Defendants Used Fake Data to Trick the Bank**
- 5. The Defendants Bought Third-Party Data as an Insurance Policy**
- 6. The Lies about Unique IDs**

## The Lies about Unique IDs



**Alex  
Sweeney**

**Q.** And what was Ms. Javice's reaction to the proposed list that we just looked at?

**A.** She was sort of negotiating on what data points we'd be allowed or that she would provide to validate.

Trial Tr. 1457:16-19

## The Lies about Unique IDs



**Alex  
Sweeney**

**Q.** And what was your reaction to that?

**A.** I was surprised because I had thought that we were already in agreement that the exercise was going to be completed and we were going to provide the data to Acxiom from Frank to validate.

Trial Tr. 1457:20-24

## The Lies about Unique IDs

Data Variable Validation Request Details				
How many UNIQUE customer accounts exist?		XXX		
Of those records, what % include each data field below?				
Variable	% Capture	Y/N	T	Comments
STUDENT_FIRST_NAME	X%	Y		Provided as Unique ID
STUDENT_LAST_NAME	X%	Y		Provided as Unique ID
STUDENT_EMAIL	X%	Y		Provided as Unique ID
STUDENT_PHONE_NUM	X%	Y		Provided as Unique ID
STUDENT_HOME_ADDR	X%	Y		
STUDENT_HOME_ADDR_APT	X%	Y		Provided as Unique ID
STUDENT_BIRTHDAY	X%	Y		Provided as Unique ID
STUDENT_MAJR_INTRST	X%	Y		Data limited due to application logic
YEAR_OF_SCHOOL	X%	Y		
DEGREE_LEVEL	X%	Y		
CITY_OF_HIGH_SCHOOL	X%	Y		
STUDENT_IS_MARRIED	X%	Y		
HAS_CHILDREN	X%	Y		
MILITARY_STATUS	X%	Y		Data limited due to application logic
PARENT_NUM_CHILDREN_FIN_SUPP	X%	Y		Data limited due to application logic
STUDENT_COMPLETED_TAX_RETURN	X%	Y		Data limited due to application logic
STUDENT_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_SPOUSE_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_CASH_ASSETS	X%	Y		
NET_WORTH_STUDENT_INVESTMENTS	X%	Y		Data limited due to application logic
IS_US_CITIZEN	X%	Y		
STUDENT ADJUSTED GROSS INCOME	X%	Y		
NUMBER OF SCHOOLS TO SEND FAFSA	X%	Y		

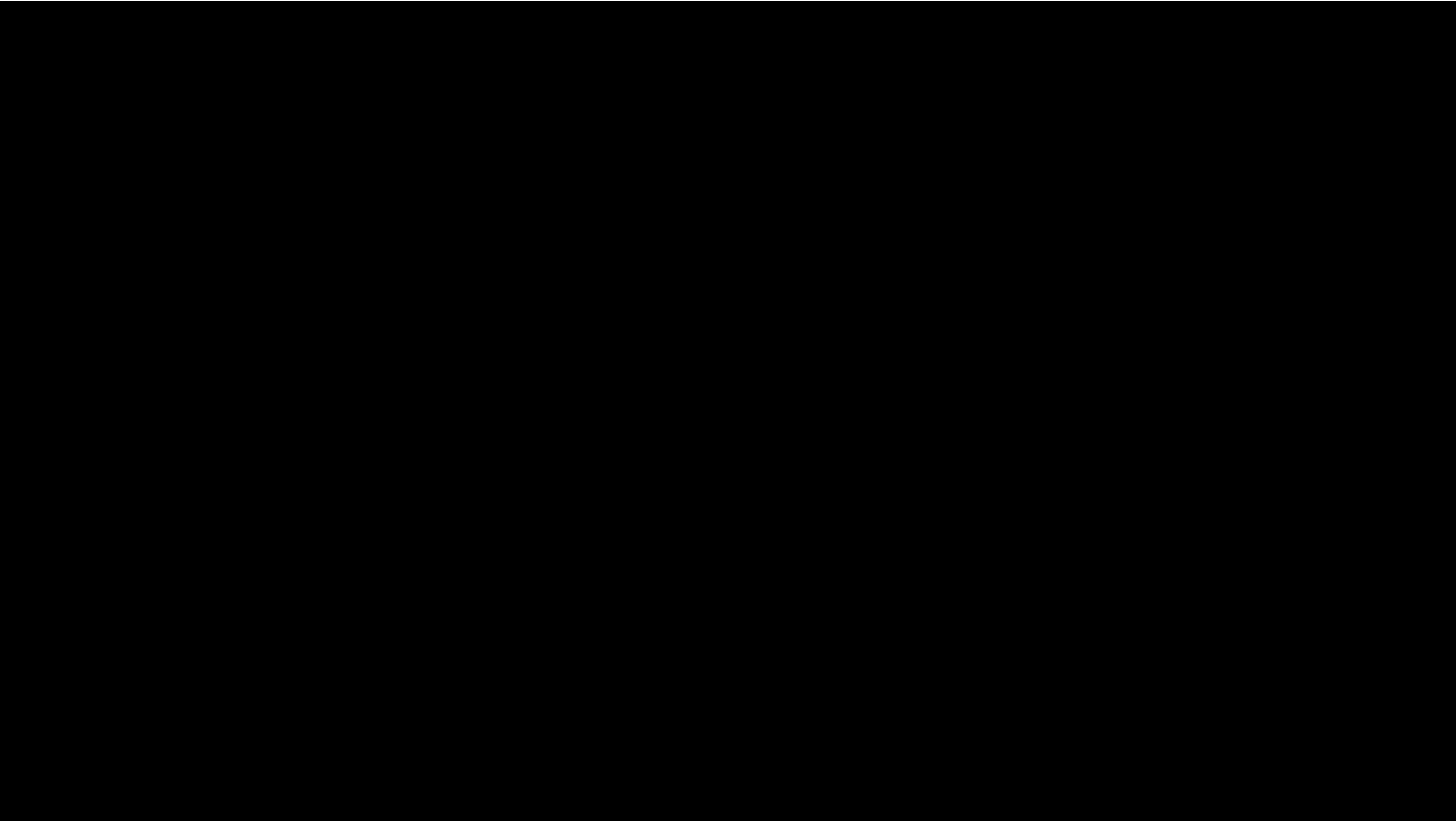


## The Lies about Unique IDs

Data Variable Validation Request Details				
How many UNIQUE customer accounts exist?		XXX		
Of those records, what % include each data field below?				
Variable	% Capture	Y/N	T	Comments
STUDENT_FIRST_NAME	X%	Y		Provided as Unique ID
STUDENT_LAST_NAME	X%	Y		Provided as Unique ID
STUDENT_EMAIL	X%	Y		Provided as Unique ID
STUDENT_PHONE_NUM	X%	Y		Provided as Unique ID
STUDENT_HOME_ADDR	X%	Y		
STUDENT_HOME_ADDR_APT	X%	Y		Provided as Unique ID
STUDENT_BIRTHDAY	X%	Y		Provided as Unique ID
STUDENT_MAJR_INTRST	X%	Y		Data limited due to application logic
YEAR_OF_SCHOOL	X%	Y		
DEGREE_LEVEL	X%	Y		
CITY_OF_HIGH_SCHOOL	X%	Y		
STUDENT_IS_MARRIED	X%	Y		
HAS_CHILDREN	X%	Y		
MILITARY_STATUS	X%	Y		Data limited due to application logic
PARENT_NUM_CHILDREN_FIN_SUPP	X%	Y		Data limited due to application logic
STUDENT_COMPLETED_TAX_RETURN	X%	Y		Data limited due to application logic
STUDENT_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_SPOUSE_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_CASH_ASSETS	X%	Y		
NET_WORTH_STUDENT_INVESTMENTS	X%	Y		Data limited due to application logic
IS_US_CITIZEN	X%	Y		
STUDENT ADJUSTED GROSS INCOME	X%	Y		
NUMBER OF SCHOOLS TO SEND FAFSA	X%	Y		

## The Lies about Unique IDs

Data Variable Validation Request Details				
How many UNIQUE customer accounts exist?		XXX		
Of those records, what % include each data field below?				
Variable	% Capture	Y/N	T	Comments
STUDENT_FIRST_NAME	X%	Y		Provided as Unique ID
STUDENT_LAST_NAME	X%	Y		Provided as Unique ID
STUDENT_EMAIL	X%	Y		Provided as Unique ID
STUDENT_PHONE_NUM	X%	Y		Provided as Unique ID
STUDENT_HOME_ADDR	X%	Y		
STUDENT_HOME_ADDR_APT	X%	Y		Provided as Unique ID
STUDENT_BIRTHDAY	X%	Y		Provided as Unique ID
STUDENT_MAJR_INTRST	X%	Y		Data limited due to application logic
YEAR_OF_SCHOOL	X%	Y		
DEGREE_LEVEL	X%	Y		
CITY_OF_HIGH_SCHOOL	X%	Y		
STUDENT_IS_MARRIED	X%	Y		
HAS_CHILDREN	X%	Y		
MILITARY_STATUS	X%	Y		Data limited due to application logic
PARENT_NUM_CHILDREN_FIN_SUPP	X%	Y		Data limited due to application logic
STUDENT_COMPLETED_TAX_RETURN	X%	Y		Data limited due to application logic
STUDENT_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_SPOUSE_EARNINGS_WORKING	X%	Y		Data limited due to application logic
STUDENT_CASH_ASSETS	X%	Y		
NET_WORTH_STUDENT_INVESTMENTS	X%	Y		Data limited due to application logic
IS_US_CITIZEN	X%	Y		
STUDENT_ADJUSTED_GROSS_INCOME	X%	Y		
NUMBER_OF_SCHOOLS_TO_SEND_FAFSA	X%	Y		



## The Lies about Unique IDs



**Alex  
Sweeney**

**A.** ... If all the most critical detail was just an ID, we would just be validating that an ID existed there and we would be completely taking Charlie for her word that all of the data for those customers were mapped back to those IDs in her system.

Trial Tr. 1465:20-24

## The Lies about Unique IDs



**Alex  
Sweeney**

**A.** The clearly visible customer information and PII would be provided to Acxiom to validate.

Trial Tr. 1466:24-25

## The Lies about Unique IDs

**From:** Sweeney, Alex (CCB, USA) <[alex.sweeney@chase.com](mailto:alex.sweeney@chase.com)>

**Sent:** Tuesday, August 03, 2021 4:25 PM

**To:** Wims Morris, Leslie (CCB, USA) <[leslie.wimsmorris@chase.com](mailto:leslie.wimsmorris@chase.com)>; Zickafoose, Breann M (Legal, USA) <[breann.m.zickafoose@jpmchase.com](mailto:breann.m.zickafoose@jpmchase.com)>; Williams, Natalie R (Legal, USA) <[natalie.r.williams@jpmchase.com](mailto:natalie.r.williams@jpmchase.com)>; Carmody, Brian J (Legal, USA) <[brian.j.carmody@chase.com](mailto:brian.j.carmody@chase.com)>; Tavelli, Brendon (Legal, USA) <[brendon.tavelli@chase.com](mailto:brendon.tavelli@chase.com)>

**Cc:** Seltzer, Adam B (CCB, USA) <[adam.b.seltzer@chase.com](mailto:adam.b.seltzer@chase.com)>; Goodman, Steve W (CCB, USA) <[steve.w.goodman@chase.com](mailto:steve.w.goodman@chase.com)>; Macdonald, Ryan S (CCB, USA) <[ryan.s.macdonald@jpmorgan.com](mailto:ryan.s.macdonald@jpmorgan.com)>

**Subject:** RE: Finland Axiom Update

Steve and I connected with Charlie

Without adding to the timeline – she is able to provide the following PII to Axiom in the clear:

- First name
- Last name
- Phone
- DOB

This leaves email and address that would be provided as a unique ID because they are hashed in Finland's system and thus require more work to pull.

Steve is aligned from a business POV.

## The Lies about Unique IDs



**Patrick  
Vovor**

**Q.** Are any data fields in Frank's user database hashed or encrypted?

**A.** Yes.

**Q.** Which data fields are hashed or encrypted?

**A.** The sensitive personal information like Social Security number, driver's license, birth date, I guess.

**Q.** How about e-mail address?

**A.** No.

**Q.** How about home address?

**A.** No.

Trial Tr. 1579:16-25

## The Lies about Unique IDs

**From:** Adam Kapelner [kapelner@gmail.com]  
**on behalf of** Adam Kapelner <kapelner@gmail.com> [kapelner@gmail.com]  
**Sent:** 8/4/2021 5:37:11 PM  
**To:** Charlie Javice [charlie@withfrank.org]  
**Subject:** Re: Encryption info

They will look fake. So let's use a unique ID.

On Wed, Aug 4, 2021 at 1:02 PM Charlie Javice <[charlie@withfrank.org](mailto:charlie@withfrank.org)> wrote:  
will the fake emails look real with an eye check or better to use unique ID?

On Wed, Aug 4, 2021 at 12:56 PM Adam Kapelner <[kapelner@gmail.com](mailto:kapelner@gmail.com)> wrote:  
You have the student email marked as "provided as unique ID" but didn't we agree to make fake ones a la "[asdugnsdf@gmail.com](mailto:asdugnsdf@gmail.com)"? Or do you want a unique ID after all?



## **Ten Reasons You Know the Defendants Are Guilty**

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- 1. The Defendants Told Lies Together During Diligence**
- 2. The Defendants Created the Fraud Spreadsheet Together**
- 3. The Defendants' Lies Were Important to Potential Buyers**
- 4. The Defendants Used Fake Data to Trick the Bank**
- 5. The Defendants Bought Third-Party Data as an Insurance Policy**
- 6. The Lies about Unique IDs**
- 7. The Defendants Doctored Their Billing Records to Cover Their Tracks**

## The Defendants Doctored Billing Records For Kapelner

Services Rendered:					
Date	Time In	Time Out	# Hours	Type	Description
8/3/2021	14:15	15:05	0.833	Data Science Services	Orientation video meeting with Charlie
8/3/2021	15:30	17:30	2.000	Data Science Services	generating features for projects 2-5
8/3/2021	20:55	21:10	0.250	Data Science Services	collega major generation
8/3/2021	21:45	0:20	2.583	Data Science Services	generation of all features except for the financials, zip code lookup filter
8/4/2021	9:15	13:05	3.833	Data Science Services	first names, last names, emails, phone numbers, looking into whitepages, unique IDs
8/4/2021	13:30	19:15	5.750	Data Science Services	group II variables (tax return, financials) + zoom meeting for checkin
8/4/2021	19:45	1:10	5.417	Data Science Services	recoding variables, double checking spreadsheet, on zoom chat
8/5/2021	8:30	10:00	1.500	Data Science Services	meeting to check over file, phone number validation, file uploading
Total Hours:			22.17		
Hourly Rate:			\$600		
Wage Subtotal:			\$13,300.00		
Expenses Incurred:			\$0.00		
Grand Total:			<b>\$13,300.00</b>		
I pledge that this invoice is accurate.					
			August 5, 2021		
Adam Kapelner, Consultant			Date		

GX 1674-A

## The Defendants Doctored Billing Records For Kapelner

Services Rendered:				
Item Type	Description	Quantity	Unit Price	Amount
Service	Data science services	22.17	\$ 811.91	\$ 18,000.00
Expenses Incurred: \$0.00				
Amount Due: <b>\$ 18,000.00</b>				
I pledge that this invoice is accurate.				
			August 5, 2021	
Adam Kapelner, Consultant			Date	

## The Defendants Doctored Billing Records For Exact Data



**Tani  
Ochs**

**Q.** Can you tell us about your discussion with Mr. Amar on the phone after you sent this purchase order to him?


**A.** My recollection of that conversation on the phone is that I had inquired about his time frame for signing the acceptance, and then he also had requested that I modify the invoice to remove the quantity of names.

**Q.** Did Mr. Amar say anything about why he wanted you to remove the quantity of names or quantity of data from the invoice?

**A.** He did not.

Trial Tr. 934:8-16

## The Defendants Doctored Billing Records For Exact Data


**Exact Data**

1440 W Taylor Street, #402  
Chicago, IL 60607

**Quote + Purchase Order List Rental**

Sales Contact: Toni Ocho	Insertion Order Number: 1136237
Sales Email: Toni.ocho@exactdata.com	Client Order Number:
Contract Date: August 3, 2021	Delivery Date: August 04, 2021

**Client Contact & Campaign Information**

Contact: Charlie Javice	Campaign:	CPE:	Quantity:	Subtotals:
	Postal:	\$54.61/M	1,773,703	\$95,790.00
	Email-Client Deploy:	\$0.00/M	1,773,703	\$0.00
	Telephone:	\$0.00/M	0	\$0.00

Account: Frank	<b>Total Data Cost: \$95,790.00</b>
Mailing Address: 12 East 49th Street 11th floor	Additional Fee: \$0.00
City: New York	Multi-Use Email: \$0.00
State: NY	Multi-Use Telephone: \$0.00
ZIP: 10017	<b>Resin Fee: \$100.00</b>
Terms: Prepay	Fulfillment Fee: \$75.00
	Privacy Compliance: \$20.00
	Save Fee: \$10.00
	<b>Total Cost: \$96,060.00</b>

**Quantity:**  
1,773,703


## The Defendants Doctored Billing Records For Exact Data

Rate	Description	Quantity (CPM=000)	Amount
	Name, postal address, phone where available, email address, age, year last completed of education.		96,000.00

<b>Exact Data</b> 1440 W. Taylor Street #402 Chicago, IL 60607		<b>Invoice</b> <table border="1"> <tr> <th>Date</th> <th>Invoice #</th> </tr> <tr> <td>11/1/2021</td> <td>E100486</td> </tr> </table>		Date	Invoice #	11/1/2021	E100486
Date	Invoice #						
11/1/2021	E100486						
<b>Billable party</b> Frank 12 East 49th Street 11th floor New York, NY 10017		<b>End Client</b> Frank	<b>File Shipped To:</b> 				
Please use the above payment instructions address: Exact Data Lockbox 22282 PO BOX 83083 Chicago, IL 60683-5083		<b>Total</b> <b>\$96,000.00</b>					

## The Defendants Doctored Billing Records For ASL

	ASL Order Number: <b>703-2021</b> Date Issued: <b>AUGUST 4, 2021</b>
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Data Rental Agreement					
<b>Client Contact Info</b>			<b>ASL Marketing Contact Info</b>		
Customer Name	<b>WITHFRANK.ORG</b>		ASL Accounting Contact	<b>Sue Maguire</b>	
Primary Contact	<b>OLIVIER AMAR</b>		ASL Sales Rep	<b>DENISE LYN</b>	
Phone			Phone	<b>516.248.6100</b>	
E-mail	<a href="mailto:olmar@withfrank.org">olmar@withfrank.org</a>		E-mail	<a href="mailto:dlyn@aslmarketing.com">dlyn@aslmarketing.com</a>	
Billing Contact Customer	<b>OLIVIER AMAR</b>		Send Payment to:	<b>ASL Marketing</b>	
Billing Address	<b>WITHFRANK.ORG</b>		Address	<b>500 BI County Blvd., Suite 460</b>	
Address	<b>12 EAST 49TH STREET - 11TH FLOOR</b>		Address	<b>Farmingdale, NY 11735</b>	
Phone			Phone	<b>516.248.6100</b>	
Fax			Fax	<b>516.248.6364</b>	
Billing E-mail	<a href="mailto:olmar@withfrank.org">olmar@withfrank.org</a>		Accounting E-mail	<a href="mailto:smaquire@aslmarketing.com">smaquire@aslmarketing.com</a>	

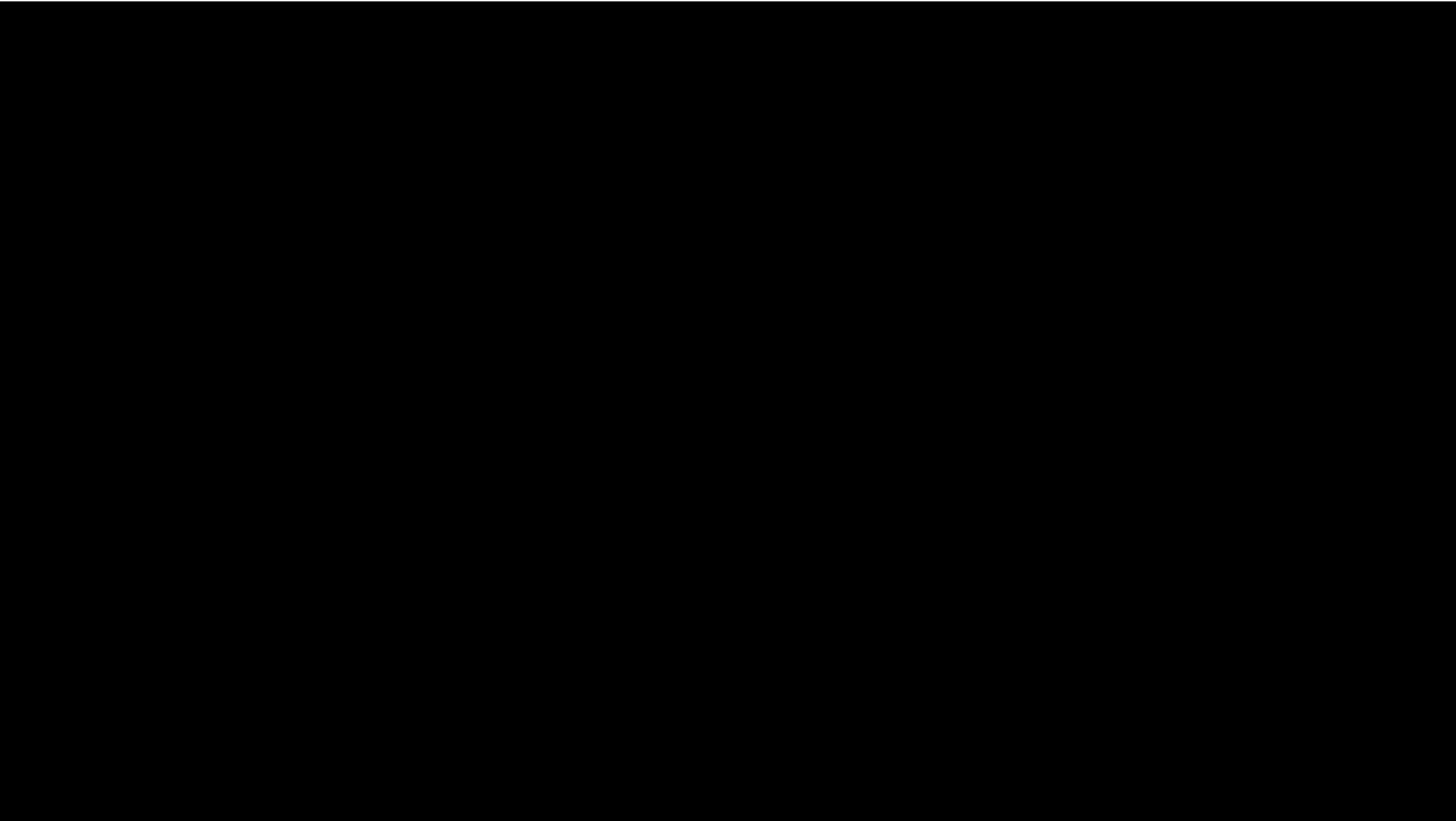
  

LINE ITEMS					
Campaign/Mail Dates	Description	Notes	Quantity	Price per unit	Total Cost
INTERNAL USE	Postal Addresses		2,039,511		\$105,000.00
	Email Addresses		2,460,489		
	Class Years: ALL				
	File Years: 2017 + 2021				
					<b>105,000.00</b>

## The Defendants Doctored Billing Records For ASL

[illegible]





## The Defendants Created a Cover Story

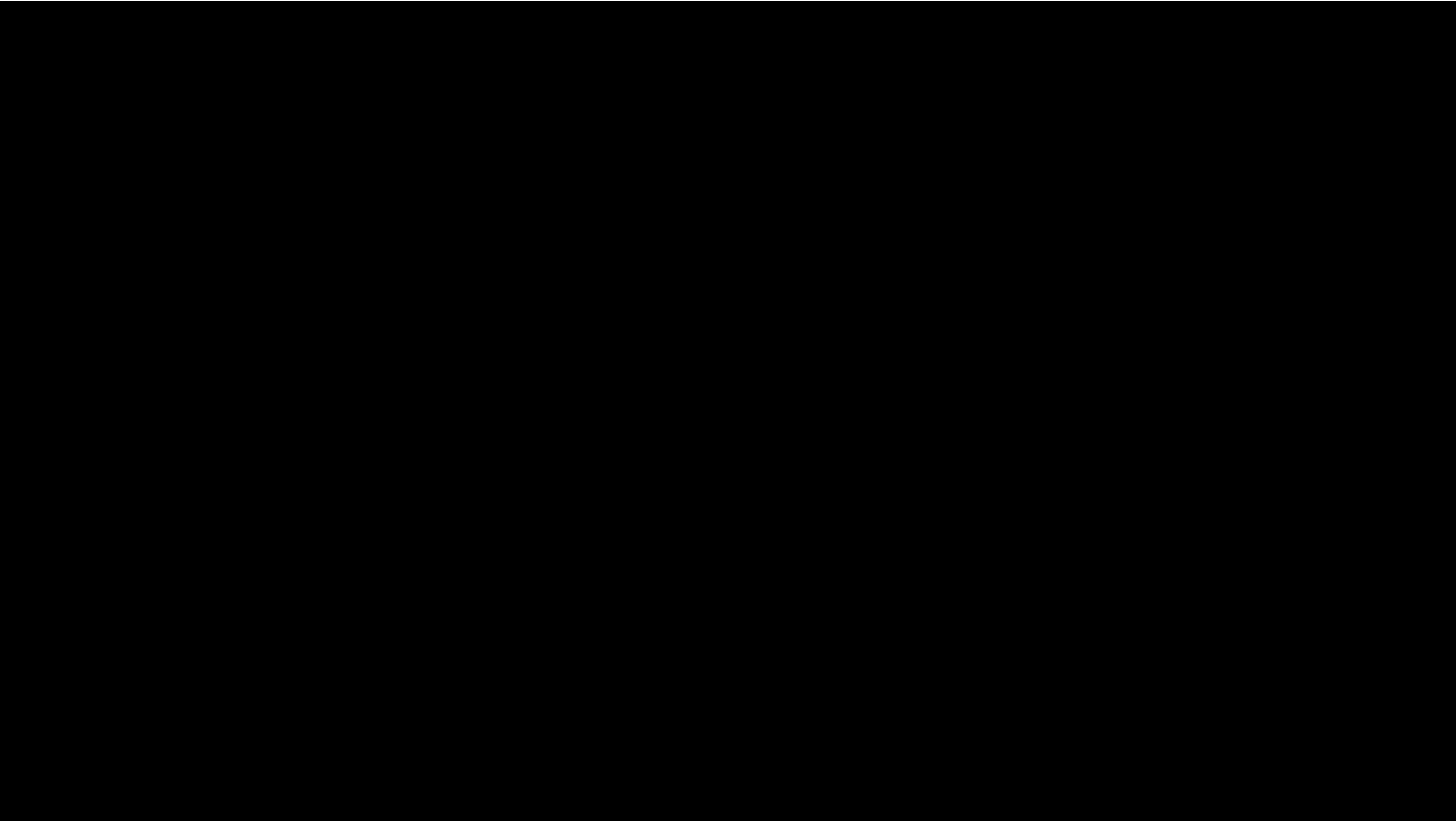
**August 3, 2021**

**Sender**

**Message**

Javice

On with Michael and **another**  
and they both said buy it and  
move quick



## The Defendants Created a Cover Story

**From:** Charlie Javice [REDACTED]  
**on behalf of** Charlie Javice [REDACTED]  
**Sent:** 8/2/2021 10:30:13 PM  
**To:** Olivier Amar [olivier@withfrank.org]  
**Subject:** Re: List Count Report for 1201 Charlie Frank Revised-1201 ACC 08/02/21

I'm on it!! Let me get board approval and will be awesome

**From:** Olivier Amar <olivier@withfrank.org>  
**Sent:** Monday, August 2, 2021 5:22:05 PM  
**To:** Charlie Javice [REDACTED]  
**Subject:** Re: List Count Report for 1201 Charlie Frank Revised-1201 ACC 08/02/21

Would love this for Marketing Automation to boost our lists to market scholarships and class finder.

Nice!

Olivier

**From:** Tani Ochs <tani.ochs@exactdata.com>  
**Sent:** Monday, August 2, 2021 4:43:09 PM  
**To:** Charlie Javice [REDACTED]  
**Subject:** List Count Report for 1201 Charlie Frank Revised-1201 ACC 08/02/21

Hello Charlie,

Attached you will find the revised count for your review. I found an error on the verbal qty I had provided on the phone, so this works in your favor. I will work on a sample of this data. Thanks Tani

## The Defendants Created a Cover Story

August 2, 2021			
Time	From	To	Duration
06:09:45 PM	Javice	Amar	11 m 13 s



## **Ten Reasons You Know the Defendants Are Guilty**

---

- 1. The Defendants Told Lies Together During Diligence**
- 2. The Defendants Created the Fraud Spreadsheet Together**
- 3. The Defendants' Lies Were Important to Potential Buyers**
- 4. The Defendants Used Fake Data to Trick the Bank**
- 5. The Defendants Bought Third-Party Data as an Insurance Policy**
- 6. The Lies about Unique IDs**
- 7. The Defendants Doctored Their Billing Records to Cover Their Tracks**
- 8. After the Acquisition, the Defendants Continued Lying to JPMorgan**

## After Acquisition, the Defendants Continued Lying to JPMorgan

**Ryan  
MacDonald**

**A.** Yeah. So I was at this point just very frustrated about not having received the customer file, so that's where I started. We discussed the customer file and why it was taking so long to get. . . .

Trial Tr. 2387:22-25

## After Acquisition, the Defendants Continued Lying to JPMorgan



**Ryan  
MacDonald**

**A.** I was specifically asking for the list, and during that discussion was questioning why it was so difficult to provide the list when a list had been provided previously to Acxiom during the data validation for due diligence.

Trial Tr. 2571:21-24



## After Acquisition, the Defendants Continued Lying to JPMorgan



**Ryan  
MacDonald**

**A.** Ms. Javice had said that they were finishing up completion of the file to be able to send to the marketing team.

Trial Tr. 2389:9-10

## After Acquisition, the Defendants Continued Lying to JPMorgan

January 14, 2022		
Time (Eastern)	Sender	Message
12:37:36 PM	Javice	U can send mark and Kelly the waterfall today
12:37:38 PM	Javice	Of counts
12:37:58 PM	Amar	I already told them yesterday it was around 1m

## After Acquisition, the Defendants Continued Lying to JPMorgan

**From:** Charlie Javice [charlie@withfrank.org]  
**on behalf of** Charlie Javice <charlie@withfrank.org> [charlie@withfrank.org]  
**Sent:** 1/18/2022 7:14:16 PM  
**To:** Divilek, Sonali [sonali.divilek@chase.com]; Seideman, Neil [neil.seideman@chase.com]; Macdonald, Ryan S [ryan.s.macdonald@jpmorgan.com]; Amar, Olivier [olivier.amar@chase.com]  
**Subject:** User Breakdown  
**Attachments:** User\_Breakdown\_2021\_Update (1).xlsx

From the spreadsheet attached, you can see the following:

**5.6MM users** — our total churned users (graduated students) **3.88MM** — Partner Co-Brand sites **0.73MM = 0.99 net marketable users**

## After Acquisition, the Defendants Continued Lying to JPMorgan

**From:** Charlie Javice [charlie@withfrank.org]  
**on behalf of** Charlie Javice <charlie@withfrank.org> [charlie@withfrank.org]  
**Sent:** 1/18/2022 7:14:16 PM  
**To:** Divilek, Sonali [sonali.divilek@chase.com]; Seideman, Neil [neil.seideman@chase.com]; Macdonald, Ryan S [ryan.s.macdonald@jpmorgan.com]; Amar, Olivier [olivier.amar@chase.com]  
**Subject:** User Breakdown  
**Attachments:** User\_Breakdown\_2021\_Update (1).xlsx

Sharing the spreadsheet with user counts with the feedback from Neil and Sonali that is incorporated from earlier today. Feel free to share the breakdown with your team. Olivier has already shared the net number last week with Kelly and Mark.

## **Ten Reasons the Defendants Are Guilty**

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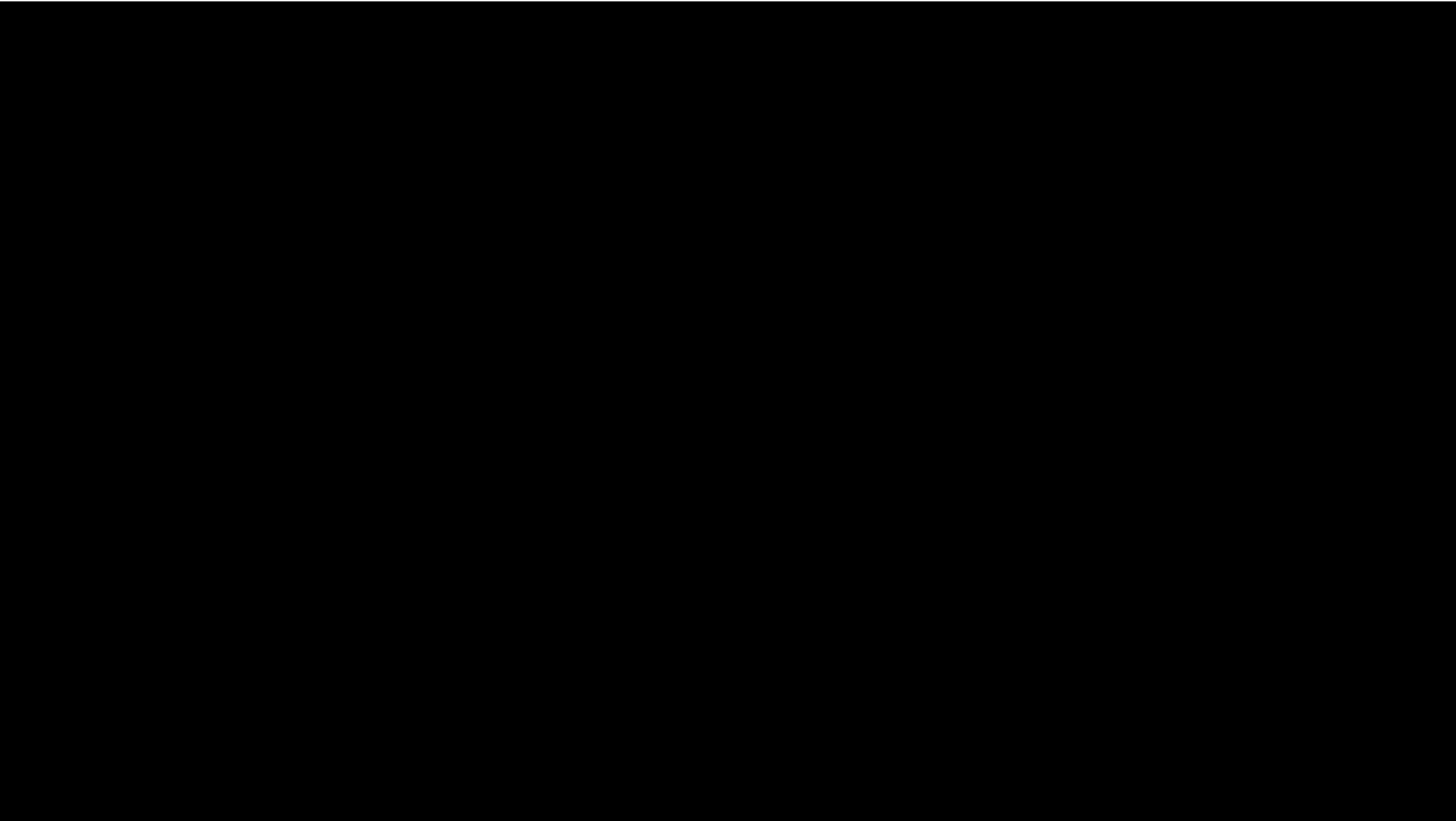
- 1. The Defendants Told Lies Together During Diligence**
- 2. The Defendants Created the Fraud Spreadsheet Together**
- 3. The Defendants' Lies Were Important to Potential Buyers**
- 4. The Defendants Used Fake Data to Trick the Bank**
- 5. The Defendants Bought Third-Party Data as an Insurance Policy**
- 6. Augmenting Website Visitors Was Not Possible**
- 7. The Defendants Doctored Billing Records and Created a Cover Story**
- 8. After Acquisition, the Defendants Continued Lying to JPMorgan**
- 9. After Acquisition, the Defendants Passed off Purchased Data as Users**

## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Goldstein, Mark D (CCB, USA) <mark.d.goldstein@chase.com>  
**Sent:** Thursday, January 06, 2022 9:12 AM  
**To:** Amar, Olivier (CCB, USA) <olivier.amar@chase.com>; Sturgeon, Barbara (CCB, USA) <barbara.sturgeon@chase.com>; Schwarz, Jeffrey C (CCB, USA) <jeffrey.c.schwarz@chase.com>; Drakeford, Keona (CCB, USA) <keona.drakeford@jpmorgan.com>; Boyes, David (CCB, USA) <david.boyes@Chase.com>  
**Subject:** Initial Frank User Data Transfer

Hi Olivier, hope you're doing well & had a great break.

We're ready for the initial Frank user data transfer, and I included the details below.



## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Olivier Amar [mailto:[olivier@withfrank.org](mailto:olivier@withfrank.org)]  
**Sent:** Thursday, August 5, 2021 12:01 PM  
**To:** Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)>  
**Cc:** Steve Stolls <[sstolls@aslmarketing.com](mailto:sstolls@aslmarketing.com)>  
**Subject:** Re: College data

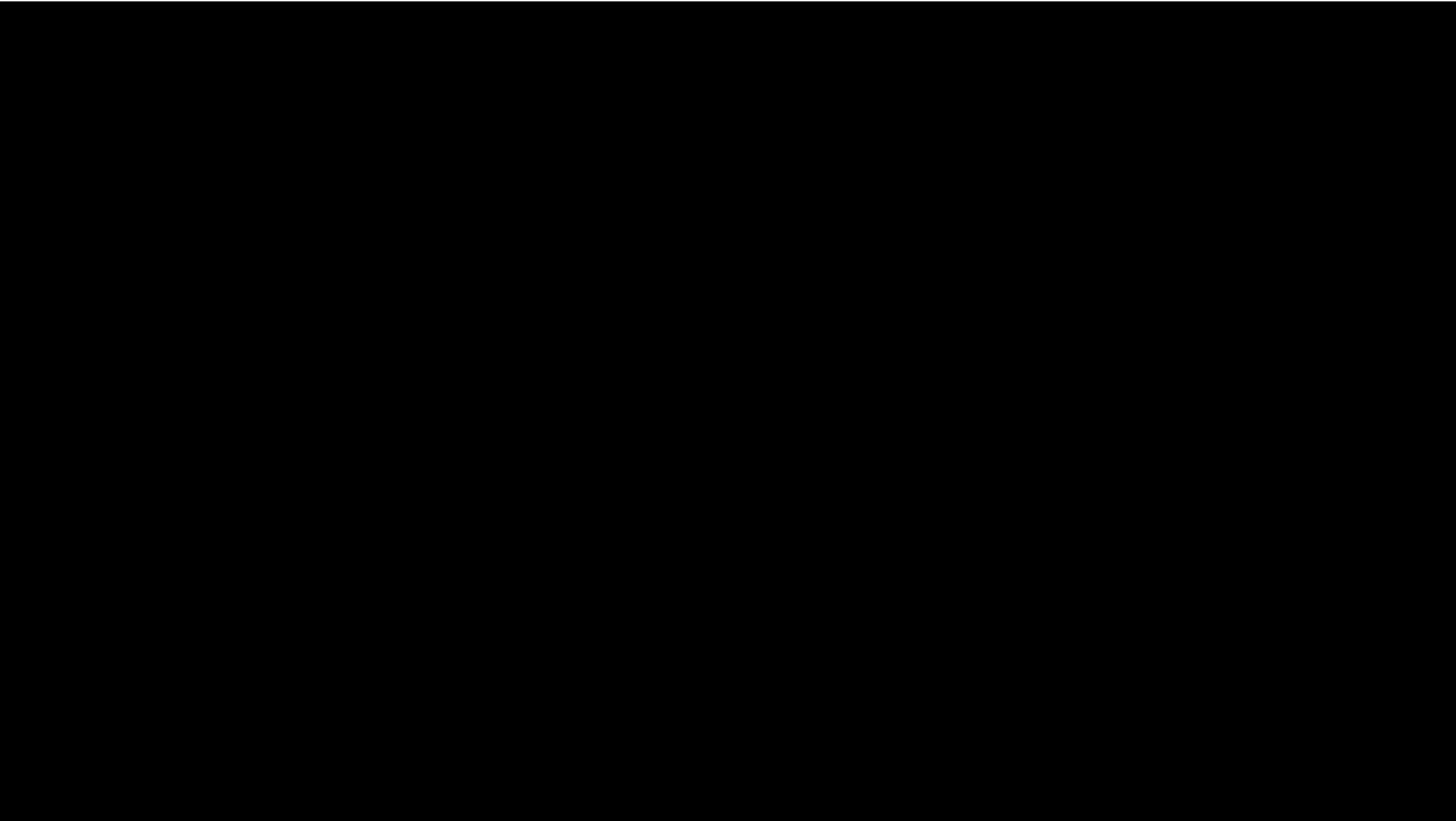
On Thu, Aug 5, 2021 at 11:58 AM Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)> wrote:

The files are huge and will take a little while to process but we can definitely get them to you today.

**The exact count for the email addresses is 2,460,489** (short 339,511)

Would you like us to increase the records for the postal addresses?





## After Acquisition, the Defendants Passed off Purchased Data as Users

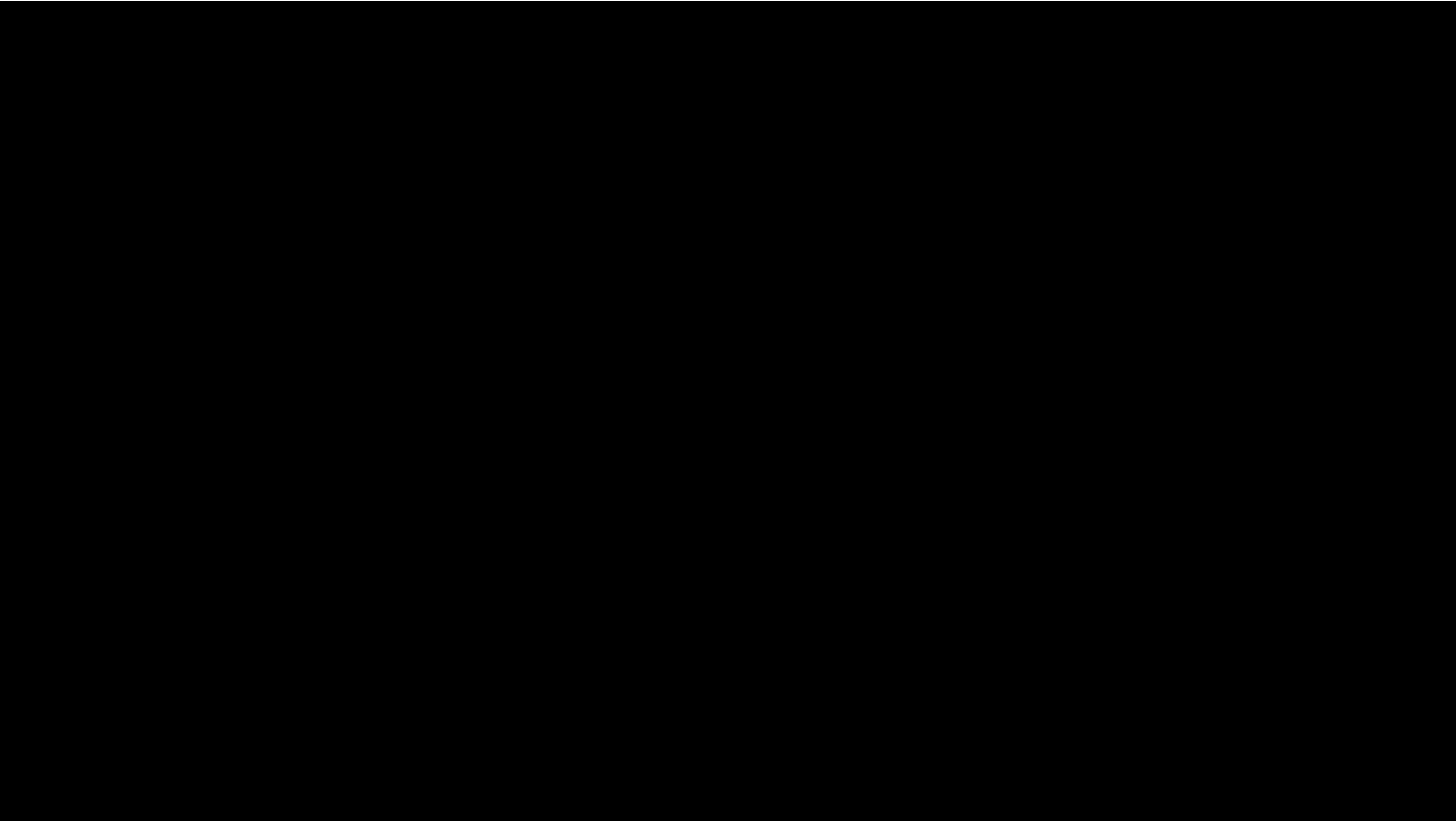


**Adam  
Kapelner**

**Q.** . . . Was that your understanding of the data you were going to be receiving from Ms. Javice?

**A.** Yes. My understanding was it was Frank's student users.

Trial Tr. 1980:22-24

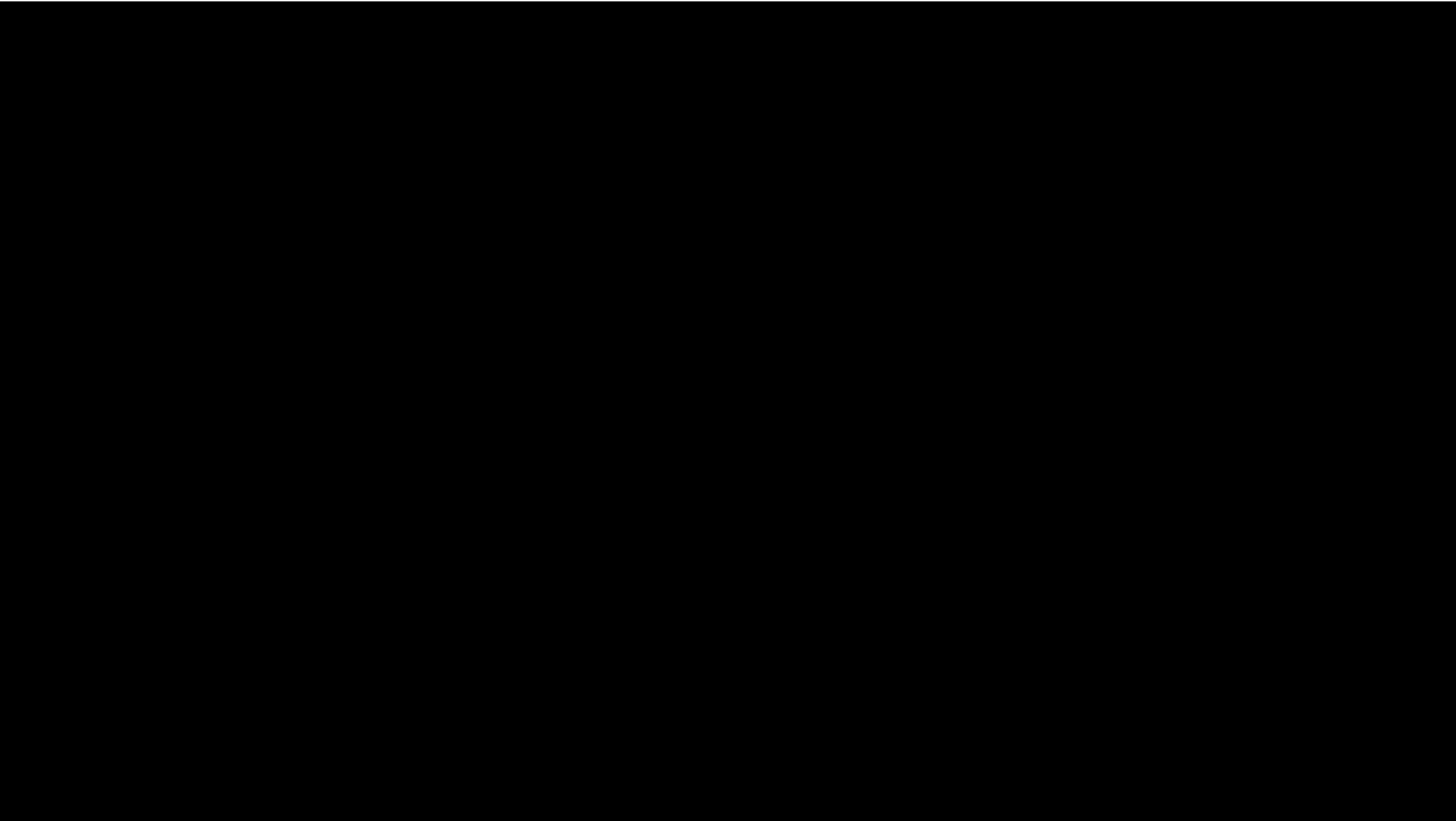


## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Olivier Amar <[olivier@withfrank.org](mailto:olivier@withfrank.org)>  
**Sent:** Tuesday, August 3, 2021 5:18 PM  
**To:** Denise Lyn <[dlyn@aslmarketing.com](mailto:dlyn@aslmarketing.com)>  
**Cc:** Steve Stolls <[sstolls@aslmarketing.com](mailto:sstolls@aslmarketing.com)>  
**Subject:** Re: College data

All in all it looks good, but it looks like the overlap is in the mid 20's a bit lower than I expected. Also, this list of 100K has only 8978 emails, so almost 9%. I can augment the other 90% with another service but that will incur extra costs.

I'd like to move forward with the ~3 million that have emails and another 1.5 million that don't. Can you price that out for me based on the lower than expected overlap and the costs I'll have to incur on the extra 1.5? If the price is right, we could get this done today.



dans le S3 bucket,  
tu te rappelles, la liste

*in the S3 bucket,  
you remember, the list*

dans le S3 bucket,  
tu te rappelles, la liste

*in the S3 bucket,  
you remember, the list*

les utilisateurs,  
ils avaient une date quelconque.

*the users,  
they had some date.*



Je me rappelle que  
quand on l'a enrichie,

*I remember that  
when we enriched it,*

## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Amar, Olivier [olivier.amar@chase.com]  
**Sent:** 1/6/2022 4:06:20 PM  
**To:** Goldstein, Mark D [mark.d.goldstein@chase.com]; Sturgeon, Barbara [barbara.sturgeon@chase.com]; Schwarz, Jeffrey C [jeffrey.c.schwarz@chase.com]; Drakeford, Keona [keona.drakeford@jpmorgan.com]; Boyes, David [david.boyes@chase.com]  
**CC:** Javice, Charlie [charlie.javice@chase.com]  
**Subject:** RE: Initial Frank User Data Transfer

Engineering is presently bogged down in fixing a critical issue in processing financial aid applications.

I'm not sure we'll make Monday's deadline as a result. I'll reach out when they free up and can take time out of their sprint for this.

JAVICE: That's perfect. Bye.

JAVICE: and...and step 2  
is in the marketing growth  
S3 bucket what we have,  
it's literally the ASL list is what...  
it's that augmented by emails

VOVOR: Ok.

## After Acquisition, the Defendants Passed off Purchased Data as Users

### “Our Users”

Donc la première liste,  
nos utilisateurs.

*So the first list,  
our users.*

### “Enriched List”

La deuxième liste, la liste enrichie.  
Ok ?

*The second list, the enriched list.  
Ok?*

## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Charlie Javice [charlie@withfrank.org]  
**on behalf of** Charlie Javice <charlie@withfrank.org> [charlie@withfrank.org]  
**Sent:** 1/18/2022 7:14:16 PM  
**To:** Divilek, Sonali [sonali.divilek@chase.com]; Seideman, Neil [neil.seideman@chase.com]; Macdonald, Ryan S [ryan.s.macdonald@jpmorgan.com]; Amar, Olivier [olivier.amar@chase.com]  
**Subject:** User Breakdown  
**Attachments:** User\_Breakdown\_2021\_Update (1).xlsx

≈ 0.99 net marketable users

January 14, 2022

Time (Eastern)	Sender	Message
12:37:58 PM	Amar	I already told them yesterday it was around 1m

Ensemble, ça va faire 990 000  
et quelques, utilisateurs. Alright ?

*Together, that's going to make  
990,000 and some users. Alright?*



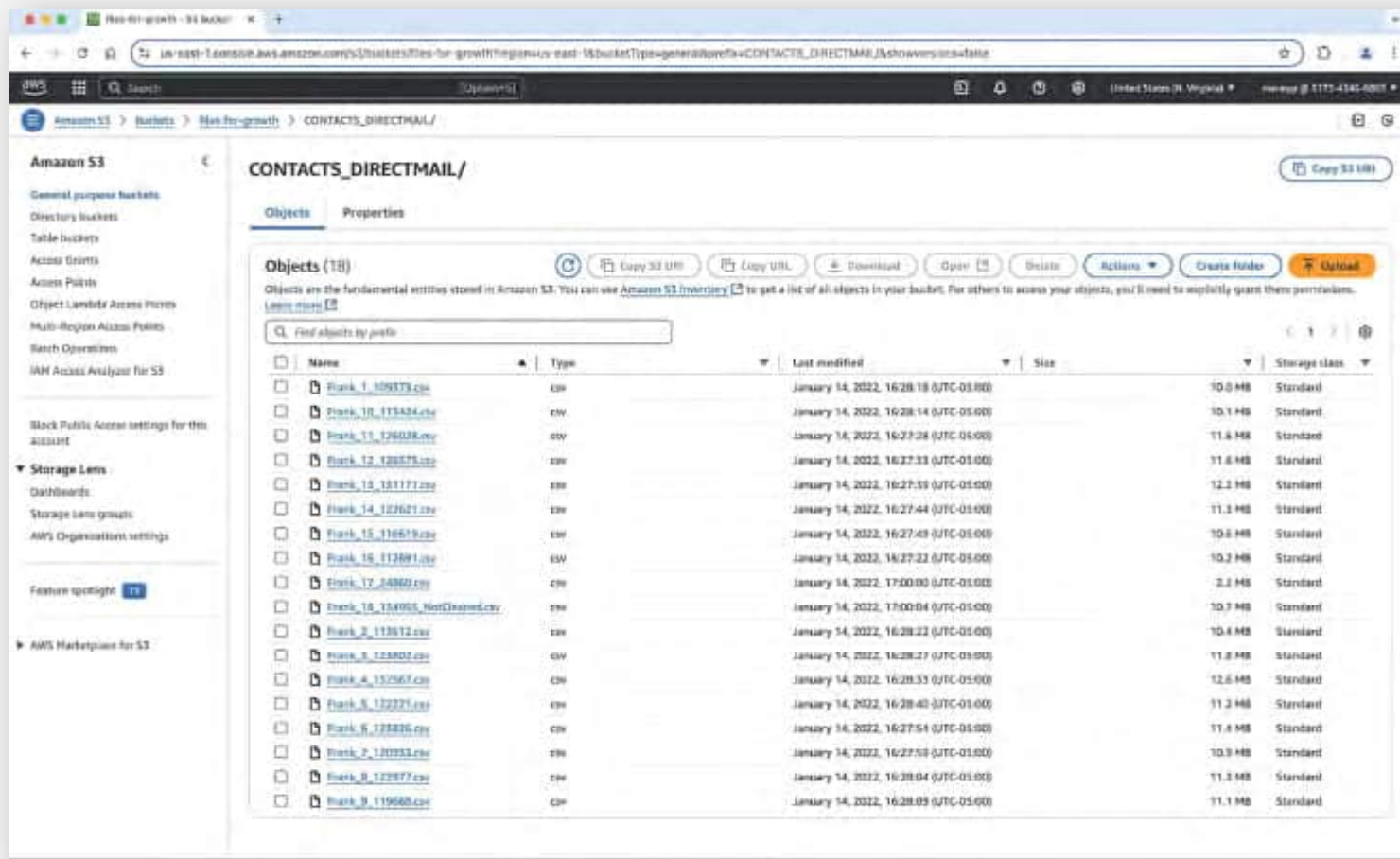
## After Acquisition, the Defendants Continued Lying to JPMorgan

January 14, 2022		
Time (Eastern)	Sender	Message
10:15:08 AM	Amar	Patrick says he never touched the ASL list
10:15:15 AM	Javice	i know\
10:15:16 AM	Amar	Adam will have to do the ASL list

## After Acquisition, the Defendants Continued Lying to JPMorgan

January 14, 2022		
Time (Eastern)	Sender	Message
04:30:45 AM	Javice	s3://files-for-growth/CONTACTS_DIRECTMAIL/

## After Acquisition, the Defendants Passed off Purchased Data as Users



## After Acquisition, the Defendants Passed off Purchased Data as Users

GX	COMPARED GX	RESULT
GX 515 ("Frank_1_109373.csv")	GX ENF1 ("usa_full_dataset_dedup_information_format_010.csv")	<p>In total, GX ENF1-ENF17 contain 4,655,003 rows of data with the following columns:</p> <ul style="list-style-type: none"> <li>Client Ref</li> <li>First Name, Last Name</li> <li>Address, City, State, Zip</li> <li>Phone_1 Number, Phone_1 Type</li> <li>Phone_2 Number, Phone_2 Type</li> <li>Phone_3 Number, Phone_3 Type</li> <li>Email_1 address</li> <li>Email_2 address</li> <li>Email_3 address</li> </ul>
GX 516 ("Frank_2_113612.csv")	GX ENF2 ("usa_full_dataset_dedup_information_format_020.csv")	
GX 517 ("Frank_3_123802.csv")	GX ENF3 ("usa_full_dataset_dedup_information_format_030.csv")	
GX 518 ("Frank_4_132567.csv")	GX ENF4 ("usa_full_dataset_dedup_information_format_040.csv")	
GX 519 ("Frank_5_122221.csv")	GX ENF5 ("usa_full_dataset_dedup_information_format_050.csv")	
GX 520 ("Frank_6_123828.csv")	GX ENF6 ("usa_full_dataset_dedup_information_format_060.csv")	
GX 521 ("Frank_7_120933.csv")	GX ENF7 ("usa_full_dataset_dedup_information_format_070.csv")	
GX 522 ("Frank_8_122977.csv")	GX ENF8 ("usa_full_dataset_dedup_information_format_080.csv")	
GX 523 ("Frank_9_119668.csv")	GX ENF9 ("usa_full_dataset_dedup_information_format_090.csv")	
GX 524 ("Frank_10_113424.csv")	GX ENF10 ("usa_full_dataset_dedup_information_format_100.csv")	
GX 525 ("Frank_11_126028.csv")	GX ENF11 ("usa_full_dataset_dedup_information_format_110.csv")	
GX 526 ("Frank_12_126575.csv")	GX ENF12 ("usa_full_dataset_dedup_information_format_120.csv")	<p>GX 515-531 are edited versions of GX ENF1 through ENF17.</p> <ul style="list-style-type: none"> <li>In GX ENF1-ENF17, any row of data that did not include an email address was removed to create GX515-531.</li> <li>In GX 515-531, the following columns were removed: <ul style="list-style-type: none"> <li>Client Ref</li> <li>Phone_1 Number, Phone_1 Type</li> <li>Phone_2 Number, Phone_2 Type</li> <li>Phone_3 Number, Phone_3 Type</li> </ul> </li> </ul>
GX 527 ("Frank_13_131171.csv")	GX ENF13 ("usa_full_dataset_dedup_information_format_130.csv")	
GX 528 ("Frank_14_122621.csv")	GX ENF14 ("usa_full_dataset_dedup_information_format_140.csv")	
GX 529 ("Frank_15_116619.csv")	GX ENF15 ("usa_full_dataset_dedup_information_format_150.csv")	
GX 530 ("Frank_16_112691.csv")	GX ENF16 ("usa_full_dataset_dedup_information_format_160.csv")	
GX 531 ("Frank_17_24860.csv")	GX ENF17 ("usa_full_dataset_dedup_information_format_170.csv")	

## After Acquisition, the Defendants Passed off Purchased Data as Users

<b>GX</b>	<b>FILE NAME</b>
<b>GX 501</b>	Frank_Marketing_List.csv
<b>GX 502</b>	Frank_18_134955_Cleaned.csv
<b>GX 503</b>	Frank_18_134955_jpmc.csv

## After Acquisition, the Defendants Passed off Purchased Data as Users

GX	COMPARED GX	RESULT
<p><b>GX 501</b> <b>("Frank_Marketing_List.csv")</b></p> <p>1,048,575 rows of data with the following columns:</p> <ul style="list-style-type: none"> <li>• Full Name, First Name, Last Name</li> <li>• Address 2, Address 1, City, State, Zip</li> <li>• Class Year</li> <li>• Email</li> <li>• uid</li> </ul>	<p><b>GXASL2_U</b> <b>("List2_uid.csv")</b></p> <p>2,460,489 rows of data with the following columns:</p> <ul style="list-style-type: none"> <li>• Full Name, First Name, Last Name</li> <li>• Address 2, Address 1, City, State, Zip</li> <li>• Zip4, DPBC, Check Digit, Carrier Route, Zip10, County</li> <li>• Gender</li> <li>• Class Year</li> <li>• Email</li> <li>• uid</li> </ul>	<p>GX 501 contains the first 1,048,575 rows of data from GXASL2_U, with certain columns removed.</p>

## After Acquisition, the Defendants Passed off Purchased Data as Users

<p><b>GX 502</b>  <b>("Frank_18_134955_Cleaned.csv")</b></p> <p>134,979 rows of data with the following columns:</p> <ul style="list-style-type: none"> <li>• First Name, Last Name</li> <li>• Address, City, State, Zip</li> <li>• email_1_address, email_2_address, email_3_address.</li> </ul> <p>133,389 unique email addresses</p>	<p><b>GX 503</b>  <b>("Frank_18_134955_jpmc.csv")</b></p> <p>134,967 rows of data with the following columns:</p> <ul style="list-style-type: none"> <li>• Student Name</li> <li>• Student Email Address</li> <li>• Student Home Address</li> <li>• Student Mailing Address</li> <li>• Student DOB</li> <li>• Student SSN</li> </ul>	<p>GX 503 contains separate home and mailing address columns.</p> <p>GX 503 contains 134,630 DOB entries, and 69,820 SSN entries.</p>
<p><b>GX 503</b>  <b>("Frank_18_134955_jpmc.csv")</b></p>	<p>See above.</p>	<p>See above.</p>

## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Mujeeb, Danish (CCB, USA) <[danish.mujeeb@chase.com](mailto:danish.mujeeb@chase.com)>  
**Sent:** Friday, January 21, 2022 1:47 PM  
**To:** Javice, Charlie (CCB, USA) <[charlie.javice@chase.com](mailto:charlie.javice@chase.com)>; Boyes, David (CCB, USA) <[david.boyes@Chase.com](mailto:david.boyes@Chase.com)>  
**Subject:** RE: Initial Frank User Data Transfer

I've uploaded the file that Charlie's team provided to the SFTP server in the folder **/MRKT01** with the name **Frank\_Marketing\_List.csv**

Regards,

Danish



## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Mujeeb, Danish (CCB, USA) <[danish.mujeeb@chase.com](mailto:danish.mujeeb@chase.com)>

**Sent:** Friday, January 21, 2022 1:47 PM

**To:** Javice, Charlie (CCB, USA) <[charlie.javice@chase.com](mailto:charlie.javice@chase.com)>; Boyes, David (CCB, USA) <[david.boyes@Chase.com](mailto:david.boyes@Chase.com)>

**Subject:** RE: Initial Frank User Data Transfer

I've uploaded the file that Charlie's team provided to the SFTP server in the folder **/MRKT01** with the name **Frank\_Marketing\_List.csv**

Regards,

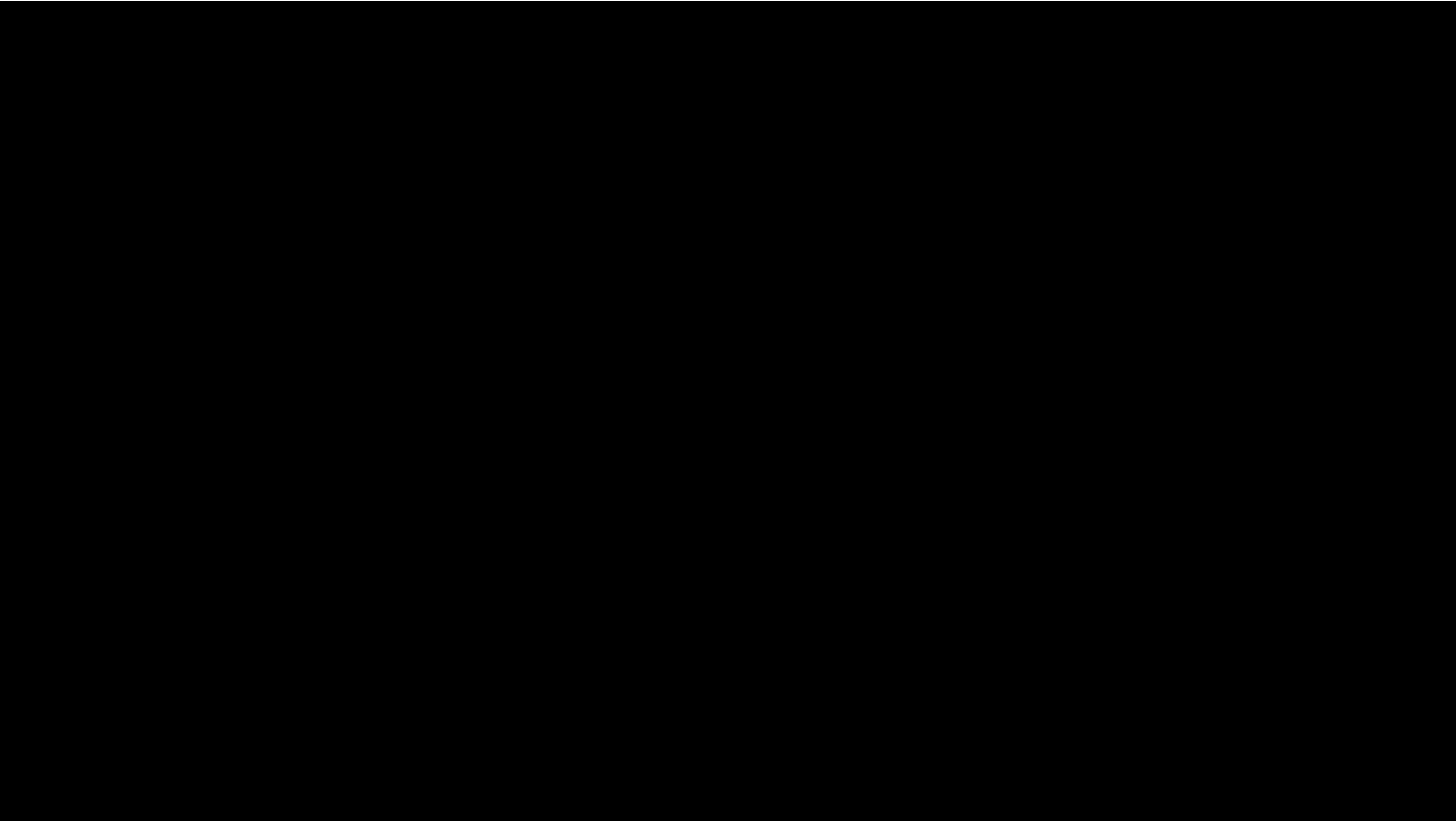
Danish

## After Acquisition, the Defendants Passed off Purchased Data as Users

**From:** Mujeeb, Danish (CCB, USA) <[danish.mujeeb@chase.com](mailto:danish.mujeeb@chase.com)>  
**Date:** Friday, Jan 28, 2022, 12:57 AM  
**To:** Gulati, Sharad (CCB, USA) <[sharad.gulati@jpmchase.com](mailto:sharad.gulati@jpmchase.com)>, Vovor Mawupe, Patrick (CCB, USA) <[patrick.vovormawupe@chase.com](mailto:patrick.vovormawupe@chase.com)>, Amar, Olivier (CCB, USA) <[olivier.amar@chase.com](mailto:olivier.amar@chase.com)>, Javice, Charlie (CCB, USA) <[charlie.javice@chase.com](mailto:charlie.javice@chase.com)>  
**Subject:** RE: Initial Frank User Data Transfer

### 1. File-1 created by Marketing team – Over 1 million records

- I am not sure about the source of the data



## After Acquisition, the Defendants Passed off Purchased Data as Users

GX	FILE NAME
<b>GX 515</b>	Frank_1_109373.csv
<b>GX 516</b>	Frank_2_113612.csv
<b>GX 517</b>	Frank_3_123802.csv
<b>GX 518</b>	Frank_4_132567.csv
<b>GX 519</b>	Frank_5_122221.csv
<b>GX 520</b>	Frank_6_123826.csv
<b>GX 521</b>	Frank_7_120933.csv
<b>GX 522</b>	Frank_8_122977.csv
<b>GX 523</b>	Frank_9_119668.csv

GX	FILE NAME
<b>GX 524</b>	Frank_10_113424.csv
<b>GX 525</b>	Frank_11_126028.csv
<b>GX 526</b>	Frank_12_126575.csv
<b>GX 527</b>	Frank_13_131171.csv
<b>GX 528</b>	Frank_14_122621.csv
<b>GX 529</b>	Frank_15_116619.csv
<b>GX 530</b>	Frank_16_112691.csv
<b>GX 531</b>	Frank_17_24860.csv
<b>GX 532</b>	Frank_18_134955_NotCleaned.csv

GX	FILE NAME
<b>GX 504</b>	Marketing_Attributes_1.csv
<b>GX 505</b>	Marketing_Attributes_2.csv
<b>GX 506</b>	Marketing_Attributes_3.csv
<b>GX 507</b>	Marketing_Attributes_4.csv
<b>GX 508</b>	Marketing_Attributes_5.csv

## The Defendants' Own Words

GX	COMPARED GX	RESULT
GX 504 ("Marketing_Attributes_1.csv")	<b>GX FINLAND</b> ("finland.csv")  4,265,085 rows with the following columns: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Phone_Num</li> <li>• Student_Email</li> <li>• Year_Of_School</li> <li>• Degree_Level</li> <li>• Student_Birthday</li> <li>• Number_Of_Schools_To_Send_FAFSA</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> <li>• Military_Status</li> <li>• Student_Is_Married</li> <li>• Parent_Num_Children_Fin_Supp</li> <li>• Has_Children</li> <li>• Student_Cash_Assets</li> <li>• Student_Adjusted_Gross_Income</li> <li>• Student_Earnings_Working</li> <li>• Student_Completed_Tax_Return</li> <li>• Net_Worth_Student_Investments</li> <li>• Is_US_Citizen</li> <li>• Student_Majr_Intrst</li> </ul>	GX 504-508 are edited versions of GX FINLAND, broken out over five files.  In GX 504-508, the following columns were removed: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> </ul> In all of these exhibits, the column "Student_Email" is populated with an alphanumeric string.
GX 505 ("Marketing_Attributes_2.csv")		
GX 506 ("Marketing_Attributes_3.csv")		
GX 507 ("Marketing_Attributes_4.csv")		
GX 508 ("Marketing_Attributes_5.csv")		

## The Defendants' Own Words

GX	COMPARED GX	RESULT
GX 504 ("Marketing_Attributes_1.csv")	<b>GX FINLAND</b> ("finland.csv")  4,265,085 rows with the following columns: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Phone_Num</li> <li>• Student_Email</li> <li>• Year_Of_School</li> <li>• Degree_Level</li> <li>• Student_Birthday</li> <li>• Number_Of_Schools_To_Send_FAFSA</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> <li>• Military_Status</li> <li>• Student_Is_Married</li> <li>• Parent_Num_Children_Fin_Supp</li> <li>• Has_Children</li> <li>• Student_Cash_Assets</li> <li>• Student_Adjusted_Gross_Income</li> <li>• Student_Earnings_Working</li> <li>• Student_Completed_Tax_Return</li> <li>• Net_Worth_Student_Investments</li> <li>• Is_US_Citizen</li> <li>• Student_Majr_Intrst</li> </ul>	GX 504-508 are edited versions of GX FINLAND, broken out over five files.  In GX 504-508, the following columns were removed: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> </ul> In all of these exhibits, the column "Student_Email" is populated with an alphanumeric string.
GX 505 ("Marketing_Attributes_2.csv")		
GX 506 ("Marketing_Attributes_3.csv")		
GX 507 ("Marketing_Attributes_4.csv")		
GX 508 ("Marketing_Attributes_5.csv")		

## The Lies about Unique IDs



**Keona  
Drakeford**

**Q.** Now, Ms. Drakeford, going back to your discussions with Ms. Javice, what, if anything, did Ms. Javice say about the relationship between these two sets of files?

**A.** That they were the same people.

**Q.** And what did she mean by that?

**A.** So that the information under Marketing Attributes file matched the personally identifiable information that's on this Frank 1 through 18 files

Trial Tr. 2668:16-23



## The Defendants' Own Words

GX	COMPARED GX	RESULT
GX 504 ("Marketing_Attributes_1.csv")	<b>GX FINLAND</b> ("finland.csv")  4,265,085 rows with the following columns: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Phone_Num</li> <li>• Student_Email</li> <li>• Year_Of_School</li> <li>• Degree_Level</li> <li>• Student_Birthday</li> <li>• Number_Of_Schools_To_Send_FAFSA</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> <li>• Military_Status</li> <li>• Student_Is_Married</li> <li>• Parent_Num_Children_Fin_Supp</li> <li>• Has_Children</li> <li>• Student_Cash_Assets</li> <li>• Student_Adjusted_Gross_Income</li> <li>• Student_Earnings_Working</li> <li>• Student_Completed_Tax_Return</li> <li>• Net_Worth_Student_Investments</li> <li>• Is_US_Citizen</li> <li>• Student_Majr_Intrst</li> </ul>	GX 504-508 are edited versions of GX FINLAND, broken out over five files.  In GX 504-508, the following columns were removed: <ul style="list-style-type: none"> <li>• Student_First_Name</li> <li>• Student_Last_Name</li> <li>• Student_Home_Addr</li> <li>• City_Of_High_School</li> </ul> In all of these exhibits, the column "Student_Email" is populated with an alphanumeric string.
GX 505 ("Marketing_Attributes_2.csv")		
GX 506 ("Marketing_Attributes_3.csv")		
GX 507 ("Marketing_Attributes_4.csv")		
GX 508 ("Marketing_Attributes_5.csv")		



## The Defendants' Own Words

Messages in chronological order (times are shown in GMT +00:00)



D4FCXMFMK - 2022/02/10



Charlie Javice <charlie@tapd.us>  
<[https://files-for-growth.s3.amazonaws.com/Marketing\\_Lists\\_021122.zip](https://files-for-growth.s3.amazonaws.com/Marketing_Lists_021122.zip)>

2/10/2022, 8:20 PM

## The Defendants' Own Words

Name	Date Modified	Size	Kind
Frank_1_109373.csv	Jan 14, 2022 at 4:36 PM	10.5 MB	CSV Document
Frank_2_113612.csv	Jan 14, 2022 at 4:04 PM	10.9 MB	CSV Document
Frank_3_123802.csv	Jan 14, 2022 at 4:05 PM	12.3 MB	CSV Document
Frank_4_132567.csv	Jan 14, 2022 at 4:06 PM	13.2 MB	CSV Document
Frank_5_122221.csv	Jan 14, 2022 at 4:07 PM	11.7 MB	CSV Document
Frank_6_123826.csv	Jan 14, 2022 at 4:08 PM	12 MB	CSV Document
Frank_7_120933.csv	Jan 19, 2022 at 8:17 PM	11.4 MB	CSV Document
Frank_8_122977.csv	Jan 14, 2022 at 4:10 PM	11.9 MB	CSV Document
Frank_9_119668.csv	Jan 14, 2022 at 4:11 PM	11.8 MB	CSV Document
Frank_10_113424.csv	Jan 19, 2022 at 8:18 PM	10.8 MB	CSV Document
Frank_11_126028.csv	Jan 14, 2022 at 4:13 PM	12.2 MB	CSV Document
Frank_12_126575.csv	Jan 14, 2022 at 4:13 PM	12.1 MB	CSV Document
Frank_13_131171.csv	Jan 14, 2022 at 4:14 PM	12.8 MB	CSV Document
Frank_14_122621.csv	Jan 14, 2022 at 4:15 PM	11.8 MB	CSV Document
Frank_15_116619.csv	Jan 14, 2022 at 4:16 PM	11.2 MB	CSV Document
Frank_16_112691.csv	Jan 14, 2022 at 4:16 PM	10.7 MB	CSV Document
Frank_17_24860.csv	Jan 14, 2022 at 4:58 PM	2.3 MB	CSV Document
Frank_18_134955_NotCleaned.csv	Jan 14, 2022 at 4:55 PM	11.2 MB	CSV Document
Marketing_Attributes_1.csv	Feb 10, 2022 at 2:49 PM	125.9 MB	CSV Document
Marketing_Attributes_2.csv	Feb 10, 2022 at 2:51 PM	125.9 MB	CSV Document
Marketing_Attributes_3.csv	Feb 10, 2022 at 2:53 PM	100.7 MB	CSV Document
Marketing_Attributes_4.csv	Feb 10, 2022 at 2:54 PM	80.4 MB	CSV Document
Marketing_Attributes_5.csv	Feb 10, 2022 at 2:55 PM	11.4 MB	CSV Document
Marketing_List1_uid-1.csv	Feb 10, 2022 at 2:24 PM	115.3 MB	CSV Document
Marketing_List1_uid-2.csv	Feb 10, 2022 at 2:27 PM	115.1 MB	CSV Document
Marketing_List1_uid-3.csv	Feb 10, 2022 at 2:28 PM	4.5 MB	CSV Document
Marketing_List2_uid-1.csv	Feb 10, 2022 at 2:30 PM	137.5 MB	CSV Document
Marketing_List2_uid-2.csv	Feb 10, 2022 at 2:32 PM	137.7 MB	CSV Document
Marketing_List2_uid-3.csv	Feb 10, 2022 at 2:34 PM	63.6 MB	CSV Document

## **Ten Reasons the Defendants Are Guilty**

- 1. The Defendants Told Lies Together During Diligence**
- 2. The Defendants Created the Fraud Spreadsheet Together**
- 3. The Defendants' Lies Were Important to Potential Buyers**
- 4. The Defendants Used Fake Data to Trick the Bank**
- 5. The Defendants Bought Third-Party Data as an Insurance Policy**
- 6. Augmenting Website Visitors Was Not Possible**
- 7. The Defendants Doctored Billing Records and Created a Cover Story**
- 8. After Acquisition, the Defendants Continued Lying to JPMorgan**
- 9. After Acquisition, the Defendants Passed off Purchased Data as Users**
- 10. The Defendants' Own Words**

## Defendants' Words

August 26, 2021		
Time (Eastern)	Sender	Message
5:10:38 PM	Amar	I really wouldn't talk about the 5m anymore
5:10:47 PM	Javice	Then reword
5:11:04 PM	Amar	that works

## Defendants' Words

August 26, 2021

Time (Eastern)	Sender	Message
5:13:13 PM	Javice	this doesnt take into accouth organic and existing channels
5:13:17 PM	Amar	nope
5:13:19 PM	Javice	they wont know that
5:13:31 PM	Javice	remember no one on that team has seen the data room

## Defendants' Words

August 26, 2021		
Time (Eastern)	Sender	Message
2:06:17 PM	Amar	Also, Patrick just told me that he came from a JPM meeting.. You trusting him to be alone there?
2:06:44 PM	Javice	Cool
2:06:59 PM	Javice	Yes, it's just review of infrastructure / diagrams
2:07:05 PM	Amar	Okay. Cool
2:07:15 PM	Javice	No numbers and to speak to their Cto every other day
2:09:50 PM	Amar	kk



## The Charges Against the Defendants

Count	Charge
1	Conspiracy to Commit Wire and Bank Fraud
2	Wire Fraud
3	Bank Fraud
4	Securities Fraud



## The Charges Against the Defendants

Count	Charge
1	Conspiracy to Commit Wire and Bank Fraud
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## Interstate Wires



**Emails**



**Phone Calls**



**Zoom Meetings**



**Bank Wires**



## JPMorgan and Capital One are Federally Insured



**FDIC**  
FEDERAL DEPOSIT INSURANCE CORPORATION

Certification  
(Pursuant to Fed. R. Evid. 902(4) and Fed. R. Evid. 803(8))

I hereby certify that (1) the attached documents are correct copies of official records maintained by the Federal Deposit Insurance Corporation, an agency of the United States Government established pursuant to 12 U.S.C. § 181(a), and (2) I am authorized to make this certification.

The attached records concern the deposit insurance status of:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, COLUMBUS, OHIO  
CERTIFICATE NUMBER: 628.




Digitally signed by  
**JULIA XUE**  
Date: 2024.12.31  
13:08:25 -05'00'

I, the undersigned, being a duly qualified and authorized officer or agent of the Federal Deposit Insurance Corporation, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the records of the Corporation.



USAO\_0003719




**FDIC**  
FEDERAL DEPOSIT INSURANCE CORPORATION

Certification  
(Pursuant to Fed. R. Evid. 902(4) and Fed. R. Evid. 803(8))

I hereby certify that (1) the attached documents are correct copies of official records maintained by the Federal Deposit Insurance Corporation, an agency of the United States Government established pursuant to 12 U.S.C. § 181(a), and (2) I am authorized to make this certification.


The attached records concern the deposit insurance status of:

CAPITAL ONE, NATIONAL ASSOCIATION, MCLEAN, VIRGINIA  
CERTIFICATE NUMBER: 439.



Digitally signed by  
**KIMBERLY BARON**  
Date: 2024.12.30  
10:18:55 -05'00'

I, the undersigned, being a duly qualified and authorized officer or agent of the Federal Deposit Insurance Corporation, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the records of the Corporation.



USAO\_0003719

## The Charges Against the Defendants

Count	Charge
1	Conspiracy to Commit Wire and Bank Fraud
2	Wire Fraud
3	Bank Fraud
4	Securities Fraud

## The Charges Against the Defendants

Count	Charge
1	Conspiracy to Commit Wire and Bank Fraud
2	Wire Fraud
3	Bank Fraud
4	Securities Fraud

## The Charges Against the Defendants

JPMORGAN CHASE & CO.

Strictly Private and Confidential

July 14, 2021

Charlie Javice  
TAPD, Inc.

Re: Proposal

Dear Charlie:

JPMorgan Chase Bank, National Association (“JPMC”) is pleased to provide this initial, non-binding (except as otherwise expressly set forth herein) indication of interest for the acquisition (the “Proposed Transaction”) of 100% of the **capital stock** of TAPD, Inc. (the “Company”; its operations and assets, the “Business”) by JPMC or one of its affiliates. This letter sets out the indicative terms of our proposal (the “Proposal”), which we believe represents a compelling opportunity for the Company’s stockholders, employees, customers and other stakeholders.

## Venue

JPMorganChase

FRANK.

